

REMARKS

Claims 1-38 are pending after entry of this paper. Claims 1-37 have been subjected to a restriction requirement.

Claims 1-7, 9-15, 17-24, 26-37 have been amended. Claim 28 has been amended to encompass subject matter cancelled from claim 29. Claim 38 has been newly added, and encompasses subject matter cancelled by the amendment to claim 32. Support for the amendments may be found throughout the instant specification, for example, in the claims as originally filed and at page 15, line 30 – page 16, line 2. No new matter has been introduced by these amendments.

Reconsideration and withdrawal of the restriction requirement in view of the above claim amendments and below remarks are respectfully requested.

Examiner's Restriction Requirement and Provisional Election

The Examiner has required restriction of claims 1-37 under 35 U.S.C. §§121 and 372. The Examiner has outlined two groups which allegedly fail to form a single general inventive concept under PCT Rule 13.1. Specifically, the Examiner has outlined the following groups:

- Group I (claims 1-27) drawn to a method for the heat treatment of solids containing titanium.
- Group II (claims 28-37) drawn to a plant for the heat treatment of solids containing titanium.

Applicants provisionally elect to prosecute **Group I** encompassing claims 1-27. Applicants make this election with traverse.

Traversal of Restriction Requirement

The Examiner contends that Groups I and II do not relate to a single general inventive concept because they allegedly lack the same or corresponding special technical features. Specifically, the Examiner contends that a review of U.S. Patent No. 3,578,798 to Lapple et al. ("Lapple") "makes clear that the claimed special technical feature...is not novel over the prior art" (page 3 of the Office Action). Applicants respectfully disagree with the Examiner's contention that the claimed special technical feature is not novel over the prior art, for the reasons set forth below.

Lapple is directed to an annular fluidized bed reactor for the thermal treatment of a granular or particle-form material (col. 1, lines 65-70). The fluidized bed reactor contains an upright centrally positioned tabular sleeve **14** (col. 1, lines 73-75). According to Lapple:

the fluidized bed materials discharged into the tube **14** are entrained by the combustion gases passing upwardly therethrough and are discharged with the gases into the freeboard space **37** in the upper portion of the vessel above the upper end **16** of the tube. (col. 2, lines 48-53)

Lapple is clear that fluidized bed materials are discharged into the tube through passages **36** formed below the upper end **16** of the tube:

In addition, the lower portion of the fluidized bed **33** is provided with a plurality of tangentially arranged passages **36** in the tube **14**, as shown in FIGS. 1 and 2. The passages **36** discharge particle-form materials from the fluidized bed **33** into the tube **14**, spiraling upwardly therethrough. (col. 2, lines 43-48)

Lapple discloses a reactor in which the solids enter the tube by means of passages **36** below the upper orifice of the tube. In contrast, the amended claims 1 and 28 both require that the solids are entrained by gas flowing through the supply tube when passing through the upper orifice region of the gas supply tube. As described in the instant specification, the bed

height of solids in the reactor can be adjusted such that the annular fluidized bed extends at least partly beyond the upper orifice end of the central tube, thus allowing the solids to be entrained by the gas stream when passing through the upper orifice region of the gas supply tube (See e.g., page 6, lines 6-13).

Thus, in view of the fact that Lapple does not disclose the above-mentioned element recited in both amended claim 1 and amended claim 28, applicants respectfully assert that the invention as claimed is novel over Lapple. Applicants therefore request withdrawal of the restriction requirement under 35 U.S.C. §§121 and 372 for lack of unity of invention.

Dependent Claims

The applicants have not independently addressed all of the rejections of the dependent claims. The applicants submit that for at least similar reasons as to why independent claims 1 and 28 from which all of the dependent claims 2-27 and 29-38 depend are believed to be novel over the prior art as discussed *supra*, the dependent claims are also novel.

CONCLUSION

Based on the foregoing amendments and remarks, the applicant respectfully requests reconsideration and withdrawal of the election requirement of claims and allowance of this application.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. **13-4500**, Order No. 4791-4015.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. **13-4500**, Order No. 4791-4015.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: May 5, 2008

By: /Andrew D. Cohen/

Andrew D. Cohen
Registration No. 61,508

Correspondence Address:

MORGAN & FINNEGAN, L.L.P.
3 World Financial Center
New York, NY 10281-2101
(212) 415-8700 Telephone
(212) 415-8701 Facsimile